

**UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

**María A. Clemente Rosa
APELANTE**

V.

**Estado Libre Asociado
De Puerto Rico**

11 DE MARZO DE 2022

**PROMESA
TITLE III
No. 17 BK 3283- LTS
CLAIM. Num. 139834**

**(Jointly Administered)
This filing relates to the Commonwealth,
HTA and ERS.**

**APPEAL FROM THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF PUERTO RICO**

APPEAL MOTION:

RESPECTFULLY SUBMITTED:

HON. JUDGE LAURA TAYLOR SWIAN, I RESPECTFULLY SUBMIT EVIDENCE

according to the Internet Source From and I quote: (LexJuris de Puerto Rico © 1996-2022)

1. That the Department of Education, the Office of Management and Budget, and the Courts of Puerto Rico be ordered to enforce the provisions and statutes of Law 9 of March 7, 2022.

Described below as: (LAW 9 DATED MARCH 7, 2022)(Act to amend various laws and order payments due from Fiscal Year 2014-2015 in accordance with the Teaching Career Act, as amended.)

a. Given these Provisions, HON. JUDGE LAURA TAYLOR SWIAN, I
RESPECTFULLY REQUEST THAT THE MOTION FILED BY THE
DEBTORS' LAWYERS, REQUESTING THAT CLEMENTE ROSA'S CLAIM
BE RECLASSIFIED AS A GENERAL NON-GUARANTEED CLAIM, BE
DISMISSED.

2. THE LAWYERS OF THE DEBTOR PARTY, APPARENTLY PRESENTED THEIR ARGUMENTS AND, WITHOUT CONSIDERING THE ASSESSMENT OF THE DAMAGES, ACCORDING TO The provisions and statutes of Law 9 of March 7, 2022.

3. HON. JUDGE LAURA TAYLOR SWIAN, I RESPECTFULLY SUBMIT FURTHER THAT: THE LAWYERS REPRESENTING THE DEBTOR PARTY: "THE COMMONWEALTH, GOVERNMENT OF PUERTO RICO,". THEY HAVE PRESENTED AS PART OF THEIR DEFENSE.

a. I QUOTE: "CONSEQUENTLY, BECAUSE CLEMENTE ROSA HAS NOT PROVIDED A BASIS FOR AFFIRMING THAT CLEMENTE ROSA'S CLAIM IS ENTITLED TO PRIORITY OF ADMINISTRATIVE EXPENSES, THE DEBTORS RESPECTFULLY REQUEST THAT IT BE RECLASSIFIED AS A GENERAL UNSECURED CLAIM.

b. HON. JUDGE LAURA TAYLOR SWIAN, I RESPECTFULLY SUBMIT, AND CERTIFY THAT APPARENTLY THE DEBTOR'S LAWYERS ARE WRONG. SINCE I CAN CERTIFY THAT I HAVE BEEN RESPECTFULLY DILIGENT IN SUBMITTING EACH OF THE REQUIRED DOCUMENTS TO OUR FEDERAL COURT AND THE PRIME CLERK AGENCY.

4. HON. JUDGE LAURA TAYLOR SWIAN, I RESPECTFULLY REQUEST THAT BEFORE THE NEW LAW 9 OF MARCH 7, 2022, THE DOCUMENTATION SUBMITTED BY MY PERSON BE CONSIDERED TO BE ACCEPTED BY THE LAWYERS OF THE COMMONWEALTH STATE, AS VALID FOR MY CLAIMS:

1. CLAIM NO. 139834 CASE NO. 17-03283
2. CLAIM NO. 150849 CASE NO. 17-03283
3. CLAIM NO. 921159 CASE NO. 17-03283
4. CLAIM NO. 133537 CASE NO. 17-03283
5. CLAIM NO. 133778 CASE NO. 17-03283

5. AND THAT MY CLAIMS TO THE GOVERNMENT OF PUERTO RICO AND THE RETIREMENT SYSTEM, CONTINUE THEIR EVALUATION PROCESS TO DETERMINE THE ASSESSMENT OF DAMAGES, THAT I RESPECTFULLY REQUEST THAT ALL THE LOANS I ACQUIRED BE CONSIDERED, FOR MEDICAL STUDIES, EDUCATION EXPENSES TO COMPLETE MY DOCTORATE, AND ALL THE MONEY NOT PAID BY THE GOVERNMENT OF PUERTO RICO AND ITS RETROACTIVE, FOR A TOTAL OF \$200,000.00 ACCORDING TO THE STIPULATED BY THE HON. JUDGE LAURA TAYLOR SWIAN AND THE HONORABLE COURT OF THE UNITED STATES.

6. HON. JUDGE LAURA TAYLOR SWIAN, RESPECTFULLY INTRODUCED SOME PROVISIONS AND STATUTES OF LAW 9 OF MARCH 7, 2022. CITATION: SOURCE LEXJURIS NET OF PUERTO RICO (1996-2022).

2022 Laws of Puerto Rico 2022

Law No. 9 of the year 2022

(P. del S. 573); 2022, law 9

Law to amend several laws and order the payments owed from Fiscal Year 2014-2015 in accordance with the Law of the Teaching Career, as amended.

Law No. 9 of March 7, 2022

To add subsection (vi) to subsection (d) of Section 11, and amend Section 31 of Act No. 66 of June 17, 2014, as amended, known as the "Special Law for Fiscal and Operational Sustainability of the Government of the Commonwealth of Puerto Rico"; amend Section 2.08 of Act No. 26 of April 29, 2017, as amended, known as the "Fiscal Plan Compliance Act"; order the Department of Education and the Office of Management and Budget to identify the amount of four million three hundred and sixty-seven thousand seven hundred and thirty-six dollars (\$4,367,736), in the budget of the agency, to cover on or before the end of the Year Fiscal 2022-2023 the payments owed corresponding to the period preceding Fiscal

Year 2014-2015 in accordance with Law No. 158 of July 18, 1999, as amended, known as the “Teaching Career Law”; order the Department of Education and the Office of Management and Budget to make salary adjustments and to identify the amount of money owed corresponding to said adjustments from Fiscal Year 2014-2015 onwards in accordance with the application of Law 158-1999, supra,

STATEMENT OF MOTIVES

Law 158-1999, as amended, known as the “Teaching Career Law”, was adopted to provide for the system of teaching ranks, establish procedures for promotions and salary review, and provide for the Individual Professional Improvement Plan and the continuing education programs. It was established recognizing the need to continually renew the knowledge of teachers, to improve their skills through studies and teaching practice, and to maintain the best teachers in the classroom of the Department of Education of Puerto Rico (the Department). For this, it established salary increases for teachers who, in search of their professional improvement, complete new academic degrees, among other requirements.

In Article 1.03 of said Law, it is indicated that the teachers of the classroom, librarian teachers, school counselors, school social workers, teachers will be members of the Teaching Career. specialists in instructional technology, industrial coordinators, and coordinators of vocational programs, as long as they hold regular teacher certificates in the category in which they work, have permanence, and perform the functions inherent in the category of position for which the regular certificate was issued. The Law establishes that these classifications will exist at levels I to IV.

Section 3.- Article 2.08 of Act 26-2017, as amended, known as the “Fiscal Plan Compliance Act,” is hereby amended to read as follows:

“Article 2.08. – Bonuses

As of the entry into force of this Law, the only economic bonus that will be granted to public employees of the Central Government and its public corporations will be for the Christmas bonus. The amount that the employees shall be entitled to receive

shall be six hundred dollars (\$600.00) in each year in which they have rendered services to the Commonwealth of Puerto Rico for at least six (6) months. Provided that retroactive payments owed, as well as changes in the remuneration of public employees of the Department of Education, made by the Department of Education in compliance with Act 158-1999, as amended, known as the "Law of the Teaching Career", they will not be considered as bonuses for the purposes of this Law."

Section 4.- The Department of Education and the Office of Management and Budget are hereby ordered to identify and reprogram approximately four million three hundred and sixty-seven thousand seven hundred and thirty-six dollars (\$4,367,736) from the General Fund items assigned to cover in or before the end of Fiscal Year 2022-2023, the payments due corresponding to the period preceding Fiscal Year 2014-2015 in accordance with Law 158-1999, as amended, known as the "Teaching Career Law".

Section 5. - The Department of Education is ordered to carry out, within a period of 270 days from the entry into force of this Law, all procedures, calculations and analyzes required to identify and qualify the professionals of the Department of Education to whom which did not complete the salary adjustment process under the Teaching Career Law despite meeting the qualification requirements for it. Said procedure will allow those professionals of the Department of Education who have complied with their Teaching Career Professional Improvement Plan by completing some stage of a Level or culminating a Level, to be allowed retroactive salary review and payment to the years that the Program of Teaching Career of the Department of Education did not request the Professional Improvement Plan.

Section 6.— The Department of Education is directed to identify the amount of money owed corresponding to Fiscal Years 2014-2015, 2015-2016, 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021 and 2021-2022 in accordance with the application of Law 158-1999, supra.

Section 7.— Once the provisions of Sections 5 and 6 of this Act are complied with, the Department of Education, in collaboration with the Office of Management and Budget, and with the Financial Advisory Authority and Fiscal Agency of Puerto Rico, to identify those budgetary efficiencies that provide the amount of funds necessary to cover the payments due for Fiscal Years 2014-2015, 2015-2016, 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021, and 2021-2022 in accordance with the application of Law 158-1999, supra, in the budget of the Department of Education on or before the end of Fiscal Year 2023-2024, under the projected expenses to be covered with the allocated item of the General Fund.

RESPETUOSAMENTE SOLICITADO.

CERTIFICO que en esta misma fecha he enviado por correo CERTIFICADO copia fiel y exacta del presente A LOS LICENCIADOS:

En Carolina, Puerto Rico hoy 11 de marzo de 2022



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Date Filed: 6/29/2018
Case Number: 17 BK 03283- LTS
DEBTOR: Commonwealth of Puerto Rico
CLAIM: **NUM.: 139834**
ASSERTED CLAIM AMOUNT: 50,400.00

Case Number: 17 BK 03283- LTS
CLAIM: **NUM.: 150849**
ASSERTED CLAIM AMOUNT:

Counsel to the Official Committee

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